

## **REMARKS**

Claims 1 to 20 are pending in the application; claims 16 to 20 are withdrawn.

### **Claim Rejections - 35 U.S.C. 112**

Claims 1-2, 4-5, 7 stand rejected under 35 U.S.C. 112, **1st paragraph**, as failing to comply with the written description requirement because the claims refer to the protein only by function. Examiner has pointed out that, similar to genetic material, structure is required as, for example, the structural details set forth in claim 3.

Claim 1 has now been amended to include one of the sequences listed in claim 3 but not all of the sequences. Applicant believes that the inclusion of one of the sequences should be sufficient in order to provide distinguishing structure. Paragraphs 0015 and 0017 of the specification as well as, for example, original claims 8 and 10 ("...comprising at least one of the sequences...") provide support.

Reconsideration and withdrawal of the rejection of the claims 1-2, 4-5, 7 under 35 USC 112 (1st paragraph) are respectfully requested.

Claims 1-2 stand rejected under 35 U.S.C. 112, **2nd paragraph**, as being indefinite. The examiner has objected to the term "protein body" and suggested the use of "protein crystalloid" and also suggested structural limitations such as presented in claim 3. In regard to claim 2 examiner has suggested that the first and second proteins defined in claim 2 be incorporated into claim 1.

The claims have been amended to now recite "protein crystalloid body".

Moreover, one of the sequences of claim 3 has been incorporated into claim 1 and the first and second proteins are now included in claim 1 as well.

Reconsideration and withdrawal of the rejection of the claims 1-2 under 35 USC 112 (2nd paragraph) are respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Claims 3, 6, 8-15 are objected to as being dependent on a rejected base claim and would be allowable if rewritten to overcome the rejections.

Examiner has further stated that the claims 1 to 15 appear to be free of art.

Applicant is of the opinion that the amendments to the claims have overcome the rejections under 35 USC 112 and claim 1 should thus be in allowable form. Allowance of claim 1 to 15 is respectfully requested.

The Examiner has withdrawn method claims 16 to 20. In the office action dated 11/14/2008, examiner has indicated that method claims would be rejoined in the event the product claims are allowed provided that the method claims depend from or otherwise require all limitations of the allowable product claims. All method claims are dependent from claim 1. Rejoinder of the claims 16 to 20 is therefore respectfully requested.

### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on March 22, 2010,

/Gudrun E. Hockett/

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